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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
(SAN JOSE DIVISION)

18 GILEAD SCIENCES, INC.,

19 Plaintiff and Counterdefendant,

20 v.

21 MERCK & CO, INC. (Defendant only), MERCK
SHARP & DOHME CORP. and ISIS
22 PHARMACEUTICALS, INC.,

23 Defendants and Counterclaimants.
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Case No. 5:13-cv-04057-BLF/PSG

**GILEAD SCIENCES, INC.'S MOTION
UNDER FED. R. CIV. P. 52(c)**

1 At the close of Defendants' case-in-chief on Gilead's equitable defenses of unclean hands
2 and waiver, Gilead respectfully moves under Fed. R. Civ. P. 52(c) for judgment as a matter of
3 law, for the reasons to be set forth during forthcoming argument at the Court's earliest
4 convenience, and in briefing to follow.
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7 Dated: March 30, 2016

FISH & RICHARDSON P.C.

8 By: /s/ Elizabeth M. Flanagan
9 Elizabeth M. Flanagan

10 Attorneys for Plaintiff
11 GILEAD SCIENCES, INC.
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